

# ATTACHMENT B

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X		<b>REQUEST TO BE FILED UNDER SEAL</b>
UNITED STATES OF AMERICA,	:	
- v. -	:	<b>20 Cr. 15 (PKC)</b>
VIRGIL GRIFFITH,	:	<b>AFFIRMATION IN SUPPORT OF APPLICATION FOR</b>
	:	<b>ISSUANCE OF AN <i>EX PARTE</i></b>
Defendant.	:	<b>SUBPOENA PURSUANT TO</b>
	:	<b>RULE 17(c)</b>
-----X		

I, SEAN S. BUCKLEY, affirm under penalties of perjury  
pursuant to 28 U.S.C. § 1746:

1. I am an attorney representing defendant Virgil Griffith in the above-captioned case. I make this affirmation in support of an application for an order for the issuance of *ex parte* subpoenas, pursuant to Rule 17(c) of the Federal Rules of Criminal Procedure, to compel production of certain documents.

2. I respectfully request that the attached subpoenas be issued commanding the production of copies of certain documents and records in the custody, possession and control of Verizon Media and/or its successor companies "Oath - Verizon Media," and "Oath Inc." Specifically, the persons upon whom the proposed subpoenas will be served, and the material sought, are as follows:

TO:

Oath - Verizon Media  
c/o Legal Compliance

22000 AOL Way  
Dulles, VA 20166

AND

Oath Inc.  
Custodian of Records  
22000 AOL Way  
Dulles, VA 20166

FOR:

A list of any and all IP addresses associated with the email address dprk.un@verizon.net, and any logs or similar records of access to the email address dprk.un@verizon.net, for the period from November 1, 2018 to October 30, 2019.

3. Rule 17(c) provides that a court may direct that books, papers, documents or objects designated in the subpoena be produced "in court before trial or before they are to be offered into evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them."

4. The requested records will be important in developing Mr. Griffith's defense in this matter and will therefore assist counsel in preparing for Mr. Griffith's case for trial.

5. I am requesting to file this *ex parte*, *in camera*, and under seal because it would prejudice Mr. Griffith to reveal to the government strategic judgments related to the fact investigation of Mr. Griffith's defense.

6. Therefore, I respectfully request that the attached *ex parte* subpoenas be made returnable by 9 a.m. on April 30, 2020,

at the offices of Baker Marquart LLP, 777 South Figueroa Street, Suite 2850, Los Angeles, California 90017, or delivered via email to bklein@bakermarquart.com.

7. Pursuant to Local Rule 47.1, this is Mr. Griffith's second application for an *ex parte* order from this Court. The Court previously granted the relief sought herein with respect to a subpoena issued to Verizon, but after serving the subpoena upon Verizon, Verizon informed counsel for Mr. Griffith that he subpoena should be re-directed to "Oath - Verizon Media" at the address set forth above. Counsel then received conflicting information from another Oath entity, which indicated that the subpoena should be issued to "Oath Inc." at the address above.

**WHEREFORE**, it is respectfully requested that this Court sign and issue the attached Order pursuant to Rule 17(c).

Dated: New York, New York  
March 31, 2020



Sean S. Buckley